

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-----------------------|---|-------------------|
| RAFAEL J. PETITPHAIT, |) | 8:11CV114 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| THE PROGRESSIVE |) | |
| CORPORATION, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on its own motion. On May 25, 2011, the court entered a Memorandum and Order stating its concerns regarding whether subject-matter jurisdiction in this court is proper. (Filing No. 7.) The court permitted Plaintiff the opportunity “to file sufficient evidence with the court showing that the amount in controversy is greater than \$75,000.00, the jurisdictional amount.” (Id. at CM/ECF p. 4.) On June 23, 2011, Plaintiff filed a “Statement of Evidence” in response to the court’s May 25, 2011, Memorandum and Order. (Filing No. 8.)

In his Statement of Evidence, Plaintiff included a statement of medical bills incurred between February 15, 2010, and September 1, 2010, totaling \$2,895.00. (Id. at CM/ECF pp. 5-6.) Plaintiff also asserts that, while he doesn’t “have an exact monetary value for the damages,” he expects to “continue [his] treatment for a minimum of 1 (one) year as most accident victims do at 3 (three) visits a week,” and that such treatment would cost \$15,054.00. (Id. at CM/ECF p. 1.) Thus, Plaintiff’s alleged damages total \$17,949.00. (Id.) The remainder of Plaintiff’s Statement of Evidence argues the merits of his underlying claims. (Id.) After carefully reviewing Plaintiff’s Statement of Evidence, the court finds that the amount in controversy is far less than the \$75,000.00 jurisdictional amount.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (filing no. 1) is dismissed without prejudice because this court lacks subject-matter jurisdiction.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 17th day of August, 2011.

BY THE COURT:

Richard G. Kopf

United States District Judge

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